

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2003-297-C - ORDER NO. 2004-47
JANUARY 30, 2004

IN RE: Application of EveryCall Communications, Inc. for a Certificate of Public Convenience and Necessity to Provide Resold Interexchange Telecommunications Services and Resold and Facilities-Based Local Exchange Telecommunications Services and for Flexible Regulation of Local Exchange Services)	ORDER GRANTING CERTIFICATE
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This matter comes before the Public Service Commission of South Carolina (the Commission) by way of the Application of EveryCall Communications, Inc. ("EveryCall" or the "Company") for authority to provide resold interexchange telecommunications services and resold and facilities-based local exchange telecommunications services within the State of South Carolina. The Company requests that the Commission regulate its local telecommunications services in accordance with the principles and procedures established for flexible regulation in Order No. 98-165 in Docket No. 97-467-C. The Application was filed pursuant to S.C. Code Ann. Section 58-9-280 (Supp. 2003), and the Rules and Regulations of the Commission.

By letter, the Commission's Deputy Executive Director instructed EveryCall to publish, one time, a prepared Notice of Filing in newspapers of general circulation in the areas affected by the Application. The purpose of the Notice of Filing was to inform interested parties of the manner and time in which to file the appropriate pleadings for participation in the proceedings. EveryCall complied with this instruction and provided

the Commission with proof of publication of the Notice of Filing. A Petition to Intervene was received from the South Carolina Telephone Coalition (“SCTC”).

Counsel for SCTC filed with the Commission a Stipulation in which EveryCall stipulated that it will only provide local services to customers located in non-rural local exchange (“LEC”) service areas of South Carolina and that it would not provide any local service to any customer located in a rural incumbent's service area, unless and until EveryCall provided written notice of its intent to do so at least thirty (30) days prior to the date of the intended service. EveryCall also stipulated that it was not asking the Commission to make a finding at this time regarding whether competition is in the public interest for rural areas. EveryCall agreed to abide by all State and Federal laws and to participate to the extent that it may be required to do so by the Commission in support of universally available telephone service at affordable rates. The SCTC withdrew its opposition to the granting of a statewide Certificate of Public Convenience and Necessity to the Company provided the conditions contained in the Stipulation are met. The Stipulation is approved and attached hereto as Order Exhibit 1.

A hearing was commenced on January 7, 2004, at 11:30 a.m. in the Commission's Hearing Room. The Honorable Mignon Clyburn, Chairman, presided. EveryCall was represented by John J. Pringle, Jr., Esquire. Kyle Coats, President and Treasurer of EveryCall, appeared and testified on behalf of the Company. Jocelyn Boyd, Staff Counsel, represented the Commission Staff.

Mr. Coats presented testimony to demonstrate EveryCall's financial, managerial, and technical ability to provide the telecommunications services for which authority is

sought in South Carolina. As President of EveryCall, Mr. Coats is responsible for the day-to-day operations of the Company and also oversees the marketing functions of EveryCall. In addition, Mr. Coats acts as EveryCall's liaison with governmental agencies. Mr. Coats also presented testimony regarding his background and experience in business and telecommunications as well as that of the other executives of EveryCall. Mr. Coats testified that he has experience working for Gage Teleco USA in Baton Rouge, Louisiana; for Telamerica Long Distance in Baton Rouge, Louisiana; and with Eatel in Baton Rouge, Louisiana. In his previous experiences with Gage, Telamerica, and Eatel, Mr. Coats served as a communications consultant, sales manager, a vice president of sales and customer service, and manager of strategic sales. Mr. Coats' responsibilities over the course of his telecommunications career included hiring, training, supervising, and evaluating the sales force; developing and implementing incentive oriented compensation plans; opening sales offices in markets throughout Louisiana; managing the process of becoming a competitive local exchange carrier; and developing and implementing all CLEC products offered by his company.

Mr. Coats testified and provided documentary evidence that EveryCall is a Louisiana corporation based in Baton Rouge, Louisiana and that EveryCall has received a certificate from the South Carolina Secretary of State to operate within the State of South Carolina as a foreign corporation. EveryCall seeks authority to operate as a reseller of intrastate interexchange services and as a reseller and facilities-based provider of competitive local exchange telecommunications services. EveryCall does not intend to install any transmission facilities or plant in South Carolina but does intend to offer

services provisioned by means of unbundled network elements (“UNEs”), including the unbundled network elements platform (“UNE-P”), purchased from incumbent local exchange carriers (“ILECs”). EveryCall’s services will be available twenty-four (24) hours per day, seven (7) days per week, and intrastate services will be offered in conjunction with interstate service.

According to Mr. Coats, EveryCall will provide service to both residential and business customers, but he noted that EveryCall’s target market is residential customers and small to medium sized business customers. Marketing will be conducted through direct mail, through full-time, salaried employees, and through agency agreements with interconnect customers. EveryCall has no plans to utilize marketing by telemarketing. With regard to verification of customers’ service changes, EveryCall uses third party verification for residential customers. For third party verification of services for residential services, EveryCall presently uses a company known as Data Exchange. For verification of service to business customers, EveryCall utilizes written letters of authorization (“LOAs”).

Mr. Coats explained EveryCall’s customer service and trouble reporting. EveryCall uses a nationwide toll-free number for customer service, and this toll-free number is printed on customer’s bills. Customer service may be accessed twenty-four (24) hours a day, seven (7) days a week. The Customer Service Department is open during normal business hours of 8:00 a.m. until 5:00 p.m., Monday through Friday. After hours, Customer Service is staffed by a third party customer service company located in Baton Rouge, Louisiana. While a third party customer service center answers the calls

after hours, the call is answered in the name of “EveryCall.” Customer service representatives are prepared to respond to a broad range of service matters, including (1) the types of services offered and the rates associated with those services; (2) monthly billing statements; (3) problems or concerns peculiar to a customer’s current service; and (4) general telecommunications matters. Mr. Coats also testified that EveryCall provides its own billing functions in-house.

EveryCall was organized on November 20, 1997, but did not begin offering telecommunications services until 2003. EveryCall is a self-funded corporation with funding coming from EveryCall’s principals. Mr. Coats stated that EveryCall has a solid financial base from which to begin operations as a provider of telecommunications services. At the hearing, Mr. Coats sponsored updated financial information on EveryCall. Mr. Coats testified that EveryCall began sales operation in October, 2003, and that EveryCall is well on its way to a positive cash flow in the next several months. EveryCall is authorized to provide telecommunications services in Alabama, Florida, Kentucky, and North Carolina, and EveryCall has applications pending in Georgia, Louisiana, and Texas. EveryCall also has plans to file for authority in Mississippi and Tennessee.

The record reveals that EveryCall intends to provide services throughout the nine-state region of BellSouth Telecommunications, Inc. (“BellSouth”). Also, within South Carolina, local services will initially be offered in the geographic territory of BellSouth. EveryCall’s underlying carriers will provide all facilities over which EveryCall’s services are carried. Local services will be provided utilizing ILEC’s facilities necessary to

provide service via UNEs and UNE-P, and long distance services will be routed over facilities of IXC. With regard to EveryCall's interexchange services, EveryCall will purchase services at a discount from the underlying interexchange carriers and will resell the service under EveryCall's own brand name to the public. Presently, EveryCall uses Qwest, MCI, and Global Crossings as underlying carriers. Additionally, EveryCall has a nine-state interconnection agreement with BellSouth. As a reseller of interexchange telecommunications services and as a reseller and UNE/UNE-P provider of local exchange telecommunications services, EveryCall will rely to some extent on its underlying carriers for the operation and maintenance of the interexchange and local exchange networks. However, the record also reveals that EveryCall's management team has extensive experience within the telecommunications field, including technical experience.

The record reveals further that EveryCall agrees to provide and market its services in compliance with current Commission policies. In particular, Mr. Coats testified that EveryCall is willing and able to provide its services in compliance with the laws of the State of South Carolina and in compliance with the rules and regulations of the Commission, unless application of a specific rule or regulation is waived by the Commission. Further, Mr. Coats testified that EveryCall's services will meet the service standards of the Commission. Mr. Coats also stated that EveryCall will comply with applicable reporting requirements of the Commission. The testimony reveals that EveryCall has never had an application to provide telecommunication services in other jurisdictions denied nor has EveryCall been fined or sanctioned regarding its provision of

telecommunications services. Mr. Coats testified that EveryCall will comply with Universal Service Fund requirements.

EveryCall has requested waivers of certain of the Commission's rules and regulations. Specifically, EveryCall has requested a waiver of 26 S.C. Code Ann. Regs. 103-631 which requires local telephone service providers to publish and distribute a local telephone directory. The record reveals that EveryCall will arrange with ILECs to include the names and numbers of EveryCall's customers in the directories published by the ILECs. EveryCall has additionally requested that it be allowed to maintain its books and records using Generally Acceptable Accounting Principles ("GAAP") rather than the Uniform System of Accounts ("USOA"). EveryCall also has requested a waiver of the requirement under 26 S.C. Code Ann. Regs. 103-610 that it keep its books and records within the State of South Carolina. Mr. Coats' testimony indicated that EveryCall will not have offices located in South Carolina. Further, Mr. Coats testified that EveryCall will provide its books and records to the Commission and the Staff on an expedited basis and at EveryCall's expense upon request. Finally, the Application requests a waiver of any reporting requirements which, although applicable to ILECs, are not applicable to competitive providers. However, EveryCall cites no specific report for which it seeks a waiver in this request.

According to Mr. Coats, approval of EveryCall's Application is in the public interest as allowing EveryCall to provide services in South Carolina will promote competition within the telecommunications industry resulting in the offering of higher quality services at lower prices. According to EveryCall, increased competition promotes

a reduction in prices, improved service quality, and expanded product and service capabilities.

EveryCall requests flexible regulation of its local service offerings. According to Mr. Coats, EveryCall requests that the Commission allow EveryCall to employ a flexible local exchange rate structure as first approved in Commission Order No. 98-165 in Docket No. 97-467-C. Specifically, EveryCall requests that the Commission adopt for EveryCall's local exchange services a competitive rate structure incorporating maximum rate levels with the flexibility for rate adjustment below the maximum rate levels. Further and as also provided in Order No. 98-165, EveryCall seeks that its tariff filings be presumed valid upon filing, subject to the Commission's authority to institute an investigation of a tariff filing within thirty (30) days, in which case the Commission may suspend the tariff filing pending further Order of the Commission. And finally that EveryCall's tariff filings be subject to the same monitoring process as the Commission applies to other, similarly situated carriers.

After full consideration of the applicable law, the Company's Application, and the evidence presented at the hearing, the Commission hereby issues its findings of fact and conclusions of law:

FINDINGS OF FACT

1. EveryCall is a Louisiana corporation headquartered in Baton Rouge, Louisiana. EveryCall is registered with the South Carolina Secretary of State and has received authorization from the South Carolina Secretary of State to transact business in South Carolina as a foreign corporation.

2. EveryCall is a provider of local exchange and interexchange telecommunications services and wishes to provide its services in South Carolina.

3. As evidenced by the testimony of its President, Kyle Coats, and the documents filed with this Commission, EveryCall possesses the technical and managerial expertise and financial resources to commence operations as a telecommunications service provider in South Carolina. S.C. Code Ann. Section 58-9-280 (B)(1) (Supp. 2003).

4. We find that EveryCall's "provision of service will not adversely impact the availability of affordable local exchange service." S.C. Code Ann. Section 58-9-280 (B)(3) (Supp. 2003).

5. We find based on the testimony and documents in the record in this case that EveryCall will support universally available telephone service at affordable rates. S.C. Code Ann. Section 58-9-280 (B)(4) (Supp. 2003).

6. We further find that based on the technical and managerial expertise of its officers and employees, as evidenced by the testimony and documents in the record in this case, that EveryCall has the capability to provide services which will meet the service standards of the Commission. S.C. Code Ann. Section 58-9-280 (B)(2) (Supp. 2003).

7. The Commission finds that the provision of local exchange service by EveryCall will not "adversely impact the public interest." S.C. Code Ann. Section 58-9-280 (B)(5) (Supp. 2003).

8. We find that the issuance of the authority requested by EveryCall is in the best interests of the citizens of the State of South Carolina.

CONCLUSIONS OF LAW

1. The Commission concludes that EveryCall possesses the managerial, technical, and financial resources to provide the competitive local exchange telecommunications services and intrastate interexchange services as described in its Application.

2. The Commission concludes that EveryCall's "provision of service will not adversely impact the availability of affordable local exchange service."

3. The Commission concludes that EveryCall will participate in the support of universally available telephone service at affordable rates to the extent that EveryCall may be required to do so by the Commission.

4. The Commission concludes that EveryCall will provide services which will meet the service standards of the Commission.

5. The Commission concludes that the provision of local exchange service by EveryCall does not, and will not otherwise, adversely impact the public interest.

6. The Commission concludes that approval of EveryCall's Application to provide local exchange telecommunications services and intrastate interexchange telecommunications services within South Carolina will serve the public interest by enhancing competition in the State through the offering of additional service offerings to South Carolina's consumers and by providing for efficient use of existing telecommunications resources.

7. The Commission concludes that the issuance of the authority to provide local exchange telecommunications services and intrastate interexchange telecommunications services as requested by EveryCall, and as set forth in its Application, is in the best interests of the citizens of the State of South Carolina.

8. The Commission concludes that a Certificate of Public Convenience and Necessity should be granted to EveryCall to provide competitive intrastate resold and non-facilities-based local exchange service in South Carolina. The terms of the Stipulation between EveryCall and the SCTC are approved and adopted as a part of this Order. Any proposal to provide such service to rural service areas is subject to the terms of the Stipulation. In addition, EveryCall is granted authority to provide resold and non-facilities-based intrastate interLATA interexchange service and to originate and terminate toll traffic within the same LATA, as set forth herein, through the resale of intrastate Wide Area Telecommunications Services (WATS), Message Telecommunications Service (MTS), directory assistance, travel card service or any other services authorized for resale by tariffs of carriers approved by the Commission.

9. The Commission concludes that EveryCall's local telecommunications services shall be regulated in accordance with the principles and procedures established for flexible regulation first granted to NewSouth Communications by Order No. 98-165 in Docket No. 97-467-C. Specifically, the Commission adopts for EveryCall's competitive intrastate local exchange services a rate structure incorporating maximum rate levels with the flexibility for adjustment below the maximum rate levels that will have been previously approved by the Commission. Further, EveryCall's local exchange

service tariff filings are presumed valid upon filing, subject to the Commission's right within thirty (30) days to institute an investigation of the tariff filing, in which case the tariff filing would be suspended pending further Order of the Commission. Further, any such tariff filings will be subject to the same monitoring process as similarly situated competitive local exchange carriers.

10. The Commission concludes that the rate design for EveryCall's intrastate interexchange telecommunications services shall include maximum rate levels for each tariff charge with flexibility for adjustment below the maximum rate levels as previously adopted by this Commission in Order No. 84-622 issued in Docket No. 84-10-C (dated August 10, 1984). Further, pursuant to Order No. 2001-997 (Docket No. 2000-407-C), this Commission established a maximum cap for certain "operator-assisted calls" where a customer uses a local exchange carrier's calling card to complete calls from locations which have not selected that local exchange carrier as the toll provider. Order No. 2001-997, dated November 8, 2001, imposed a maximum cap of \$1.75 for operator surcharges for such calls, and a maximum cap of \$0.35 related to the flat per-minute rate associated with these calls.

11. The Commission concludes that the terms of the Stipulation between EveryCall and the SCTC should be and are hereby approved and adopted as a part of this Order. Any proposal to provide such service to rural service areas is subject to the terms of the Stipulation.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:

1. A Certificate of Public Convenience and Necessity is granted to EveryCall to provide competitive intrastate local exchange telecommunications services, including optional services, via resale or facilities-based provisioning through the leasing of unbundled network elements including UNE-P, from incumbent local exchange carriers. EveryCall's local exchange service offerings shall be provided in compliance with the Stipulation between EveryCall and the SCTC. Further, EveryCall is granted authority to provide via resale intrastate interLATA interexchange telecommunications services and to originate and terminate toll traffic within the same LATA, as set forth herein, through the resale of intrastate Wide Area Telecommunications Services (WATS), Message Telecommunications Service (MTS), directory assistance, travel card services or any other services authorized for resale by tariffs of carriers approved by the Commission.

2. The terms of the Stipulation between EveryCall and the SCTC are approved and adopted as a part of this Order. The Stipulation is attached to this Order as Exhibit 1 and is hereby incorporated as a part of this Order. Any proposal to provide competitive intrastate local exchange telecommunications services to rural service areas is subject to the terms of this Stipulation.

3. For EveryCall's resale of interexchange telecommunications services, the Commission adopts a rate design which includes only maximum rate levels for each tariff charge. A rate structure incorporating maximum rate levels with the flexibility for adjustment below the maximum rate levels has been previously adopted by the

Commission. In Re: Application of GTE Sprint Communications Corporation, etc., Order No. 84-622, issued in Docket No. 84-10-C (August 2, 1984).

EveryCall shall not adjust its rates for interexchange telecommunications below the approved maximum level without notice to the Commission and to the public. EveryCall shall file its proposed rate changes, publish its notice of such changes, and file affidavits of publication with the Commission two weeks prior to the effective date of the changes. However, the public notice requirement is waived, and therefore not required, for reductions below the maximum cap in instances which do not affect the general body of subscribers or do not constitute a general rate reduction. In Re: Application of GTE Sprint Communications, etc., Order No. 93-638, issued in Docket No. 84-10-C (July 16, 1993). Any proposed increase in the maximum rate level for interexchange telecommunications services reflected in the tariff which would be applicable to the general body of EveryCall's subscribers shall constitute a general ratemaking proceeding and will be treated in accordance with the notice and hearing provisions of S.C. Code Ann. §58-9-540 (Supp. 2003).

EveryCall's interexchange telecommunications services tariff shall comply with the terms of Commission Order No. 2001-997 (Docket No. 2000-407-C). In Order No. 2001-997, this Commission addressed the issue of rate caps with regard to certain "operator-assisted calls" where a customer uses a local exchange carrier's calling card to complete calls from locations which have not selected that local exchange carrier as the toll provider. Order No. 2001-997, dated November 8, 2001, imposed a maximum cap of

\$1.75 for operator surcharges for such calls, and a maximum cap of \$0.35 related to the flat per-minute rate associated with these calls.

4. If it has not already done so by the date of issuance of this Order, EveryCall shall file its revised interexchange long distance tariff within thirty (30) days of receipt of this Order. The revised tariff shall be consistent with the findings of this Order and shall be consistent with the laws of South Carolina and the Commission's Rules and Regulations.

5. EveryCall shall file, prior to offering local exchange services in South Carolina, its final tariff of its local service offerings conforming to all matters discussed with Staff and comporting with South Carolina law in all matters. EveryCall's local telecommunications services shall be regulated in accordance with the principles and procedures established for flexible regulation first granted to NewSouth Communications by Order No. 98-165 in Docket No. 97-467-C. Specifically, the Commission adopts for EveryCall's competitive intrastate local exchange services a rate structure incorporating maximum rate levels with the flexibility for adjustment below the maximum rate levels that will have been previously approved by the Commission. Further, EveryCall's local exchange service tariff filings are presumed valid upon filing, subject to the Commission's right within thirty (30) days to institute an investigation of the tariff filing, in which case the tariff filing would be suspended pending further Order of the Commission. Further, any such tariff filings will be subject to the same monitoring process as similarly situated competitive local exchange carriers.

6. EveryCall is subject to access charges pursuant to Commission Order No. 86-584 in which the Commission determined that for access purposes resellers should be treated similarly to facilities-based interexchange carriers.

7. With regard to the Company's offering of interexchange services, an end-user should be able to access another interexchange carrier or operator service provider if the end-user so desires.

8. EveryCall shall resell the services of only those interexchange carriers or LECs authorized to do business in South Carolina by this Commission. If EveryCall changes underlying carriers, it shall notify the Commission in writing.

9. With regard to the origination and termination of toll calls within the same LATA, EveryCall shall comply with the terms of Order No. 93-462, Order Approving Stipulation and Agreement, in Docket Nos. 92-182-C, 92-183-C, and 92-200-C (June 3, 1993), with the exception of the 10-XXX intraLATA dialing requirement, which has been rendered obsolete by the toll dialing parity rules established by the Federal Communications Commission, pursuant to the Telecommunications Act of 1996 (See, 47 CFR 51.209). Specifically, the Company shall comply with the imputation standard as adopted by Order No. 93-462 and more fully described in paragraph four of the Stipulation and Appendix B approved by Order No. 93-462.

9. The Company shall, in compliance with Commission regulations, designate and maintain an authorized utility representative who is prepared to discuss, on a regulatory level, customer relations (complaint) matters, engineering operations, tests and repairs. In addition, the Company shall provide to the Commission in writing the name

of the authorized representative to be contacted in connection with general management duties as well as emergencies which occur during non-office hours.

EveryCall shall file the names, addresses and telephone numbers of these representatives with the Commission within thirty (30) days of receipt of this Order. The Company shall utilize the “Authorized Utility Representative Information” form which can be located at the Commission’s website at www.psc.state.sc.us/reference/forms.asp to file the names of these representatives with the Commission. Further, the Company shall promptly notify the Commission in writing if the representatives are replaced.

10. EveryCall shall conduct its business in compliance with Commission decisions and Orders, both past and future, including but not limited to, any and all Commission decisions which may be rendered in Docket No. 96-018-C regarding local competition.

11. Title 23, Chapter 47, South Carolina Code of Laws Ann., governs the establishment and implementation of a “Public Safety Communications Center,” which is more commonly known as a “911 system” or “911 service.” Services available through a 911 system include law enforcement, fire, and emergency medical services. In recognition of the necessity of quality 911 services being provided to the citizens of South Carolina, the Commission hereby instructs EveryCall to contact the appropriate authorities regarding 911 service in the counties and cities where the Company will be operating. Contact with the appropriate authorities is to be made before providing voice or dial tone telephone service in South Carolina. Accompanying this Order is an information packet from the South Carolina Chapter of the National Emergency Number

Association (“SC NENA”) with contact information and sample forms. The Company may also obtain information by contacting the E911 Coordinator at the Office of Information Resources of the South Carolina Budget and Control Board. By this Order and prior to providing voice or dial-tone services within South Carolina, EveryCall shall contact the 911 Coordinator in each county, as well as the 911 Coordinator in each city where the city has its own 911 system, and shall provide information regarding the Company’s operations as required by the 911 system.

12. The Company is directed to comply with all Rules and Regulations of the Commission, unless a regulation is specifically waived by the Commission.

13. EveryCall shall file annual financial information in the form of annual reports and gross receipts reports as required by the Commission. The annual report and the gross receipts reports will necessitate the filing of intrastate information. Therefore, EveryCall shall keep financial records on an intrastate basis for South Carolina in order to comply with the Commission’s requirements of filing an annual report and a gross receipts report. The proper form for filing annual financial information for the annual report may be found on the Commission’s website at www.psc.state.sc.us/reference/forms.asp . The title of this form is “Annual Report for CLECs” and/or “Annual Report for Interexchange Companies.” The Company shall file the annual report form with the Commission by April 1st of each year.

Commission gross receipts forms are due to be filed with the Commission no later than August 31st of each year. The appropriate form for remitting information for gross

receipts is entitled “Gross Receipts Form for Utility Companies” and may also be found on the Commission’s website at www.psc.state.sc.us/reference/forms.asp.

Additionally, pursuant to the Commission’s regulations, the Company shall file a “CLEC Service Quality Quarterly Report” with the Commission. The proper form for this report can be found at the Commission’s website at www.psc.state.sc.us/reference/forms.asp.

14. Each telecommunications company certified in South Carolina is required to file annually the Intrastate Universal Service Fund (USF) worksheet. This worksheet provides the Commission Staff information required to determine each telecommunications company’s liability to the State USF fund. The Intrastate USF worksheet is due to be filed annually no later than August 15th. The proper form for this worksheet may be found at the Commission’s website at www.psc.state.sc.us/reference/forms.asp.

15. As required by 26 S.C. Code Regs. 103-612.2.2 (1976), EveryCall shall file with the Commission a copy of EveryCall’s bill form. This filing of EveryCall’s bill form shall be made within thirty (30) days of receipt of this Order

16. The Federal Communications Commission (FCC) in July of 2000 required all telecommunications carriers throughout the United States to implement three-digit, 711, dialing for access to all Telecommunications Relay Services (TRS). The Commission issued a memorandum in March of 2001 instructing all South Carolina telecommunications carriers to implement the service completely by October of 2001. All competitive local exchange carriers (CLECs) and incumbent local exchange carriers

(ILECs) were instructed to include language in their tariffs introducing 711 as a new service offering with deployment by July 1, 2002, and to translate 711 dialed calls to 1-800-735-2905. All Payphone Service Providers (PSPs) were instructed to modify their programmable phones to translate calls dialed as 711 to their assigned TRS toll free number 1-800-735-2905 in order to route 711 calls to the TRS provider before October 1, 2001. Additionally, telephone directories were required to be updated and bill inserts promoting 711 were also required. This Company must comply with the applicable mandates. Complete information on compliance with this FCC and Commission requirement may be found on the Commission's website at www.psc.state.sc.us/reference/forms.asp.

17. For good cause shown, EveryCall is granted a waiver and is hereby authorized to keep its books and financial records in accordance with Generally Accepted Accounting Principles ("GAAP") rather than the Uniform System of Accounts ("USOA"). The USOA was developed by the FCC as a means of regulating telecommunications companies subject to rate base regulation. As a competitive carrier and a carrier not subject to rate base regulation, EveryCall maintains its book of accounts in accordance with GAAP. The Commission recognizes that GAAP is used extensively by interexchange carriers. The Commission finds that books and records maintained according to GAAP will provide a reliable means by which to evaluate EveryCall's operations and to assess EveryCall's financial fitness. Accordingly, we grant EveryCall's request that it be allowed to maintain its books and records using GAAP instead of USOA.

18. For good cause shown, EveryCall is granted a waiver of the requirements that the Company publish and distribute a directory under S.C. Code Ann. Regs. 103-631. EveryCall is ordered to contact the incumbent ILECs to arrange for and to ensure that EveryCall's customers are included in the applicable directory.

19. EveryCall requests a waiver of Reg. 103-610, which mandates that records required by the Commission's Rules and Regulations be maintained in South Carolina. The hearing record reveals that EveryCall's principal headquarters is located in Baton Rouge, Louisiana, and EveryCall requests permission to maintain its books and records at its headquarters in that city and state. The Commission finds EveryCall's requested waiver reasonable and understands the difficulty presented to EveryCall should the waiver not be granted. The Commission therefore grants the requested waiver that EveryCall be allowed to maintain its books and records at its principal headquarters. However, EveryCall shall make available its books and records at all reasonable times upon request by the Commission or the Commission Staff, and EveryCall shall promptly notify the Commission if the location of its books and records changes.

20. EveryCall's request for a waiver of reporting requirements is denied. EveryCall will not be required to make any reporting requirements that are not required for similarly situated companies; however, the Commission's reporting requirements enable the Commission to maintain information on the entities operating within South Carolina and enable the Commission to make required assessments such as gross receipts taxes and USF contributions. Therefore, the Commission cannot find that a waiver of reporting requirements is in the public interest. The Commission would also note that

EveryCall's blanket request for waiver of reporting requirements is too vague and non-specific for the Commission to appropriately address.

21. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



Mignon L. Clyburn, Chairman

ATTEST:



Bruce F. Duke, Executive Director

(SEAL)

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

Docket No. 2003-297-C

Re: Application of Everycall Communications,)
Inc. for a Certificate of Public Convenience)
and Necessity to Provide Local Exchange and)
Interexchange Telecommunications Services)
in the State of South Carolina)
_____)

STIPULATION

The South Carolina Telephone Coalition ("SCTC") (see attachment "A" for list of companies) and Everycall Communications, Inc. ("Everycall") hereby enter into the following stipulations. As a consequence of these stipulations and conditions, SCTC does not oppose Everycall's Application. SCTC and Everycall stipulate and agree as follows:

1. SCTC does not oppose the granting of a statewide Certificate of Public Convenience and Necessity to Everycall, provided the South Carolina Public Service Commission ("Commission") makes the necessary findings to justify granting of such a certificate, and provided the conditions contained within this stipulation are met.

2. Everycall stipulates and agrees that any Certificate which may be granted will authorize Everycall to provide service only to customers located in non-rural local exchange company ("LEC") service areas of South Carolina, except as provided herein.

3. Everycall stipulates that it is not asking the Commission to make a finding at this time regarding whether competition is in the public interest for rural areas.

4. Everycall stipulates and agrees that it will not provide any local service, by its own facilities or otherwise, to any customer located in a rural incumbent LEC's service area, unless and

until Everycall provides such rural incumbent LEC and the Commission with written notice of its intent to do so at least thirty (30) days prior to the date of the intended service. During such notice period, the rural incumbent LEC will have the opportunity to petition the Commission to exercise all rights afforded it under Federal and State law. Also, Everycall acknowledges that the Commission may suspend the intended date for service in rural LEC territory for ninety (90) days while the Commission conducts any proceeding incident to the Petition or upon the Commission's own Motion, provided that the Commission can further suspend the implementation date upon showing of good cause.

5. Everycall stipulates and agrees that, if Everycall gives notice that it intends to serve a customer located in a rural incumbent LEC's service area, and either (a) the Commission receives a Petition from the rural incumbent LEC to exercise its rights under Federal or State law within such 30-day period, or (b) the Commission institutes a proceeding of its own, then Everycall will not provide service to any customer located within the service area in question without prior and further Commission approval.

6. Everycall acknowledges that any right which it may have or acquire to serve a rural telephone company service area in South Carolina is subject to the conditions contained herein, and to any future policies, procedures, and guidelines relevant to such proposed service which the Commission may implement, so long as such policies, procedures, and guidelines do not conflict with Federal or State law.

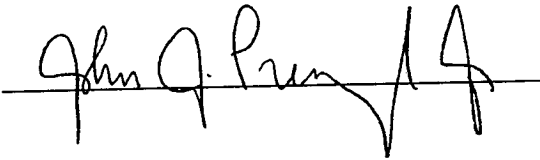
7. The parties stipulate and agree that all rights under Federal and State law are reserved to the rural incumbent LECs and Everycall, and this Stipulation in no way suspends or adversely affects such rights, including any exemptions, suspensions, or modifications to which they may be entitled.

8. Everycall agrees to abide by all State and Federal laws and to participate, to the extent it may be required to do so by the Commission, in the support of universally available telephone service at affordable rates.

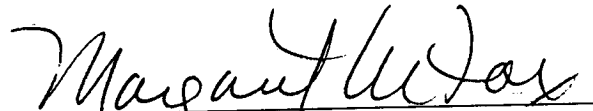
9. Everycall hereby amends its application and its prefiled testimony in this docket to the extent necessary to conform with this Stipulation.

AGREED AND STIPULATED to this 12th day of December,
2003.

Everycall Communications, Inc.:



South Carolina Telephone Coalition:



M. John Bowen, Jr.
Margaret M. Fox
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Attorneys for the South Carolina Telephone
Coalition

ATTACHMENT A

South Carolina Telephone Coalition Member Companies for Purposes of Local Service Stipulation

ALLTEL South Carolina, Inc.
Chesnee Telephone Company
Chester Telephone Company
Farmers Telephone Cooperative, Inc.
Ft. Mill Telephone Company
Home Telephone Company, Inc.
Lancaster Telephone Company
Lockhart Telephone Company
McClellanville Telephone Company
Norway Telephone Company
Palmetto Rural Telephone Cooperative, Inc.
Piedmont Rural Telephone Cooperative, Inc.
Pond Branch Telephone Company
Ridgeway Telephone Company
Rock Hill Telephone Company
Sandhill Telephone Cooperative, Inc.
St. Stephen Telephone Company
West Carolina Rural Telephone Cooperative, Inc.
Williston Telephone Company